

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NICOLE SCHELL, individually, and as  
Parent and Legal Guardian to R.S., IV, a  
Minor; and, RICHARD SCHELL, III,  
individually,

Plaintiffs,

v.

UNITED STATES OF AMERICA;  
WAYNE WALCK CLINTON; DOES 1  
through 20; and ROE CORPORATIONS 1  
through 20, inclusive,

Defendants.

Case No. 2:23-cv-00232-ART-BNW

**ORDER GRANTING**

**Stipulation and Proposed Order**

On April 21, 2023, counsel conducted a telephonic meet and confer to discuss dismissing with prejudice and removing the named driver, Wayne Walck Clinton, from the caption. Counsel further discussed dismissing with prejudice, and removing fictitious parties named “Does 1 through 20; and Roe Corporations 1 through 20” from the caption. Plaintiff counsel agreed to this request from Defendant United States.

The basis for dismissing these parties and removing them from the caption is that the exclusive remedy for the negligent or wrongful act or omission of an employee of the United States acting in the scope of office or employment under the Federal Tort Claims

1 Act. *See* 28 U.S. Code § 2679. The United States is properly named as a defendant in this  
2 matter. Based on the parties' meet-and-confer efforts, the parties reached the following  
3 stipulations:

4 1. Under Federal Rule of Civil Procedure 15(a)(2), the parties respectfully  
5 request that defendant Wayne Walck Clinton be dismissed with prejudice and the caption  
6 be amended to reflect said dismissal.

7 2. In addition, the parties respectfully request that fictitious parties "Does 1  
8 through 20; and Roe Corporations 1 through 20" be dismissed with prejudice and the  
9 caption be amended to reflect said dismissal.

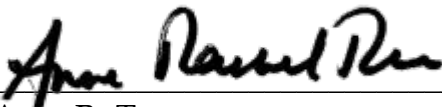
10 RICHARD HARRIS LAW FIRM

JASON M. FRIERSON  
United States Attorney

11  
12 /s/ Johnathan Leavitt  
13 Johnathan Leavitt, Esq.  
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16 Las Vegas, Nevada 89101  
17 *Attorney for Plaintiff*

/s/ R. Thomas Colonna  
R. THOMAS COLONNA  
Assistant United States Attorney  
*Attorneys for the United States*

18 IT IS SO ORDERED.

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21 Anne R. Traum  
22 United States District Court Judge  
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